

AO 440 (Rev. 8/01) Summons in a Civil Action

## UNITED STATES DISTRICT COURT

Southern

District of

New York

ANDREAS WEITBRECHT, Individually,  
and as ASSIGNEE of the Claim of  
BARBARA WEITBRECHT, also known  
as BARBARA NEKVEDAVICIUS,  
V. Plaintiff,

## SUMMONS IN A CIVIL ACTION

B&H ASSOCIATES OF NY, LLC,  
doing business as PRUDENTIAL  
DOUGLAS ELLIMAN REAL ESTATE,  
B&H OF THE HAMPTONS LLC,  
doing business as PRUDENTIAL  
DOUGLAS ELLIMAN REAL ESTATE,  
DOROTHY HERMAN, and LYNDIA IRELAND,  
Defendants.

CASE NUMBER:

08 CIV. 1539

TO: (Name and address of Defendant)

B&H ASSOCIATES OF NY, LLC, doing business as PRUDENTIAL  
DOUGLAS ELLIMAN REAL ESTATE, B&H OF THE HAMPTONS LLC, doing  
business as PRUDENTIAL DOUGLAS ELLIMAN REAL ESTATE, DOROTHY  
HERMAN, and LYNDIA IRELAND  
c/o Prudential Douglas Elliman Real Estate  
575 Madison Avenue, 4th Floor  
New York, NY 10022

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

SCHNAUFER & METIS, LLP  
280 N. Central Avenue, Suite 200  
Hartsdale, NY 10530

an answer to the complaint which is served on you with this summons, within thirty (30) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

FEB 14 2008

CLERK

CLERK

DATE

(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

<b>RETURN OF SERVICE</b>		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE	
NAME OF SERVER ( <i>PRINT</i> )	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<div style="margin-bottom: 10px;"><input type="checkbox"/> Served personally upon the defendant. Place where served:</div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  Name of person with whom the summons and complaint were left: </div> <div style="margin-bottom: 10px;"><input type="checkbox"/> Returned unexecuted:</div> <div><input type="checkbox"/> Other (specify):</div>		
<b>STATEMENT OF SERVICE FEES</b>		
TRAVEL	SERVICES	TOTAL \$0.00
<b>DECLARATION OF SERVER</b>		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____  <div style="display: flex; justify-content: space-around; width: 100%;"> <span>Date</span> <span>Signature of Server</span> </div>   <div style="text-align: center; margin-top: 20px;"> _____  Address of Server </div> </p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

**AFFIDAVIT OF SERVICE THROUGH THE SECRETARY OF STATE**

Index # 08 civ. 1539

Purchased/Filed: February 14, 2008

STATE OF NEW YORK

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT

*Andreas Weitbrecht, Individually and as Assignee of the Claim of Barbara Weitbrecht, also known  
as Barbara Nekvedavicius*

Plaintiff

against

*B&H Associates of NY, LLC, doing business as Prudential Douglas Elliman Real Estate, et al*

Defendant

STATE OF NEW YORK  
COUNTY OF ALBANY

SS.:

Jessica Miller, being duly sworn, deposes and says: deponent is over  
the age of eighteen (18) years; that on February 19, 2008, at 2:00pm, at the office of the  
Secretary of State of the State of New York in the City of Albany, New York deponent served the annexed

Summons in a Civil Action and Complaint with Jury Trial Demand

on

B & H Associates of NY, LLC, the

Defendant in this action, by delivering to and leaving with Carol Vogt,

AUTHORIZED AGENT in the Office of the Secretary of State, of the State of New York, personally at the  
Office of the Secretary of State of the State of New York, 2 true copies thereof and that at the time  
of making such service, deponent paid said Secretary of State a fee of 40 dollars; That said service  
was made pursuant to Section 303 Limited Liability Company Law.

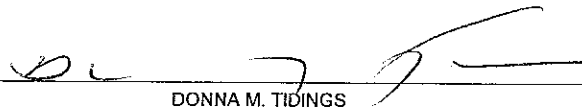
Deponent further says that deponent knew the person so served as aforesaid to be the agent in the Office  
of the Secretary of State of the State of New York, duly authorized to accept such service on behalf of said  
defendant.

Description of the person served: Approx. Age: 43 Approx. Wt: 118 Approx. Ht: 5'

Color of skin: White Hair color: Brown Sex: F Other: \_\_\_\_\_

Sworn to before me on this

25th day of February, 2008

  
DONNA M. TIDINGS  
NOTARY PUBLIC, State of New York  
No. 01TI4898570, Qualified in Albany County  
Commission Expires June 15, 2011

  
Jessica Miller

Invoice•Work Order # SP0801663

**SERVICO. INC. - PO BOX 871 - ALBANY. NEW YORK 12201 - PH 518-463-4179**

**AFFIDAVIT OF SERVICE THROUGH THE SECRETARY OF STATE**

Index # 08 civ. 1539

Purchased/Filed: February 14, 2008

STATE OF NEW YORK

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT

*Andreas Weitbrecht, Individually and as Assignee of the Claim of Barbara Weitbrecht, also known  
as Barbara Nekvedavicius*

Plaintiff

against

*B&H Associates of NY, LLC, doing business as Prudential Douglas Elliman Real Estate, et al*

Defendant

STATE OF NEW YORK  
COUNTY OF ALBANY

SS.:

Jessica Miller, being duly sworn, deposes and says: deponent is over  
the age of eighteen (18) years; that on February 19, 2008, at 2:00pm, at the office of the  
Secretary of State of the State of New York in the City of Albany, New York deponent served the annexed

Summons in a Civil Action and Complaint with Jury Trial Demand

on

B & H of the Hamptons LLC, the

Defendant in this action, by delivering to and leaving with Carol Vogt,

AUTHORIZED AGENT in the Office of the Secretary of State, of the State of New York, personally at the  
Office of the Secretary of State of the State of New York, 2 true copies thereof and that at the time  
of making such service, deponent paid said Secretary of State a fee of 40 dollars; That said service  
was made pursuant to Section 303 Limited Liability Company Law.


Deponent further says that deponent knew the person so served as aforesaid to be the agent in the Office  
of the Secretary of State of the State of New York, duly authorized to accept such service on behalf of said  
defendant.

Description of the person served: Approx. Age: 43 Approx. Wt: 118 Approx. Ht: 5'

Color of skin: White Hair color: Brown Sex: F Other: \_\_\_\_\_

Sworn to before me on this

25th day of February, 2008

  
DONNA M. TIDINGS  
NOTARY PUBLIC, State of New York  
No. 01T14898570, Qualified in Albany County  
Commission Expires June 15, 2011

  
Jessica Miller

Invoice/Work Order # SP0801664

**SERVICO. INC. - PO BOX 871 - ALBANY. NEW YORK 12201 - PH 518-463-4179**

STATE OF NEW YORK  
 UNITED STATES DISTRICT COURT  
 DISTRICT: SOUTHERN DISTRICT OF NEW YORK

COUNTY OF

INDEX # : 08 CIV-1539  
 Date Filed: February 14, 2008

ATTORNEY(S): : PH:  
 ADDRESS: File No.: 1513

*Andreas Weitbrecht, individually and as assignee of the Claim of Barbara Weitbrecht, also known as Barbara Nekvedavicius*

vs

Plaintiff(s)/Petitioner(s)

*B&H Associates of NY, LLC, doing business as Prudential Douglas Elliman Real Estate B&H of the Hamptons LLC  
 doing business as Prudential Douglas Elliman Real Estate Dorothy Herman and Lynda Ireland*

Defendant(s)/Respondent(s)

STATE OF NEW YORK, COUNTY OF NASSAU, SS.:

**AFFIDAVIT OF SERVICE**

John Pluchino, being duly sworn deposes and says: Deponent is not a party herein, is over 18 years of age and resides in New York State. On February 27, 2008 at 2:19pm, at 575 Madison Avenue, ste. 406, New York, NY 10022, deponent served the within Summons in a Civil Action and Complaint

on: Dorothy Herman, Defendant therein named.

#1 INDIVIDUAL ☐ By delivering a true copy of each to said recipient personally; deponent knew the person served to be the person described as said person therein.

#2 CORPORATION ☐ By delivering thereat a true copy of each to \_\_\_\_\_ personally, deponent knew the person so served to be the \_\_\_\_\_ of the corporation, and authorized to accept service on behalf of the corporation.

#3 SUITABLE AGE PERSON ☒ By delivering a true copy of each to Cathleen Wright a person of suitable age and discretion. Said premises is recipient's: ☒ actual place of business ☐ dwelling house (usual place of abode) within the state.

#4 AFFIXING TO DOOR ☐ By affixing a true copy of each to the door of said premises, which is recipient's: ☐ actual place of business ☐ dwelling house (place of abode) within the state.

Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, having called thereat

on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_

on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_

on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_

on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_

Address confirmed by \_\_\_\_\_

#5 MAIL COPY ☒ On February 28, 2008, deponent completed service by depositing a true copy of each document to the above address in a 1st Class postpaid properly addressed envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of New York.

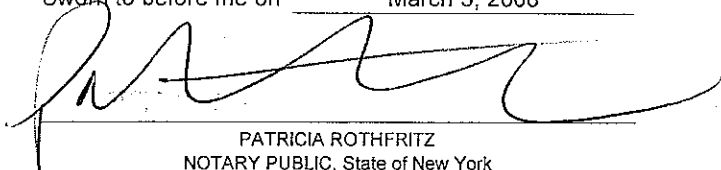
#6 DESCRIPTION ☒ A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:  
 Sex: Female Color of skin: White Color of hair: Red Age: 36 - 50 Yrs. Height: 5' 4" - 5' 8"  
 (use with #1, 2 or 3) Weight: 161 - 200 Lbs. Other Features: \_\_\_\_\_

#7 WIT. FEES ☐ the authorized witness fee and / or traveling expenses were paid (tendered) to the recipient.

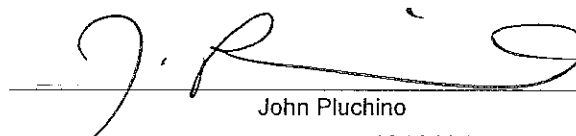
#8 MILITARYSRVC ☒ Deponent asked person spoken to whether the recipient was presently in military service of the United States Government or of the State of New York and was informed that recipient was not. Recipient wore ordinary civilian clothes and no military uniform.

#9 OTHER ☐

Sworn to before me on March 3, 2008



PATRICIA ROTHFRITZ  
 NOTARY PUBLIC, State of New York  
 01R06055503, Nassau County  
 Term Expires February 26, 2011



John Pluchino  
 Server's Lic # 1218124  
 Invoice•Work Order # 0802298

STATE OF NEW YORK  
 UNITED STATES DISTRICT COURT  
 DISTRICT: SOUTHERN DISTRICT OF NEW YORK

COUNTY OF

INDEX #: 08 CIV-1539  
 Date Filed: February 14, 2008

ATTORNEY(S): : PH:  
 ADDRESS: File No.: 1513

*Andreas Weitbrecht, individually and as assignee of the Claim of Barbara Weitbrecht, also known as Barbara Nekvedavicius*

vs

Plaintiff(s)/Petitioner(s)

*B&H Associates of NY, LLC, doing business as Prudential Douglas Elliman Real Estate B&H of the Hamptons LLC  
 doing business as Prudential Douglas Elliman Real Estate Dorothy Herman and Lynda Ireland*

Defendant(s)/Respondent(s)

STATE OF NEW YORK, COUNTY OF NASSAU, SS.:

**AFFIDAVIT OF SERVICE**

Victor Zeleny, being duly sworn deposes and says: Deponent is not a party herein, is over 18 years of age and resides in New York State. On February 21, 2008 at 2:25pm, at 2488 Main Street, Bridgehampton, NY 11932, deponent served the within Summons in a Civil Action and Complaint

on: Lynda Ireland, Defendant therein named.

#1 INDIVIDUAL ☐ By delivering a true copy of each to said recipient personally; deponent knew the person served to be the person described as said person therein.

#2 CORPORATION ☐ By delivering thereat a true copy of each to personally, deponent knew the person so served to be the of the corporation, and authorized to accept service on behalf of the corporation.

#3 SUITABLE AGE PERSON ☒ By delivering a true copy of each to Pat Troy a person of suitable age and discretion. Said premises is recipient's: [ x ] actual place of business [ ] dwelling house (usual place of abode) within the state.

#4 AFFIXING TO DOOR ☐ By affixing a true copy of each to the door of said premises, which is recipient's: [ ] actual place of business [ ] dwelling house (place of abode) within the state.

Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, having called thereat

on the day of at

on the day of at

on the day of at

on the day of at

Address confirmed by

#5 MAIL COPY ☒ On February 25, 2008, deponent completed service by depositing a true copy of each document to the above address in a 1st Class postpaid properly addressed envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of New York.

#6 DESCRIPTION ☒ A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:  
 Sex: Female Color of skin: White Color of hair: Blonde Age: 51 - 65 Yrs. Height: 5' 4" - 5' 8"  
 (use with #1, 2 or 3) Weight: Over 200 Lbs. Other Features: Glasses

#7 WIT. FEES ☐ the authorized witness fee and / or traveling expenses were paid (tendered) to the recipient.

#8 MILITARYSRVC ☒ Deponent asked person spoken to whether the recipient was presently in military service of the United States Government or of the State of New York and was informed that recipient was not. Recipient wore ordinary civilian clothes and no military uniform.

#9 OTHER ☐

Sworn to before me on February 25, 2008



PATRICIA ROTHFRITZ  
 NOTARY PUBLIC, State of New York  
 01R06055503, Nassau County  
 Term Expires February 26, 2011



Victor Zeleny  
 Server's Lic # n/a

Invoice-Work Order # 0802296